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Paper No. 23

In re Application of  
Yoshihiko Shioda  
Application No. 09/748,046  
Filed: January 22, 2000  
Attorney Docket No. 19441.034

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: DECISION ON PETITION  
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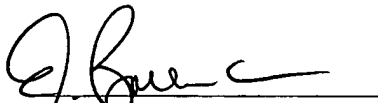
This is a decision on the petition filed by facsimile transmission on May 19, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the final Office action dated September 18, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on October 9, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a filing receipt for the reply which shows the reply was in fact received in the Office on October 9, 2003, a date within the period for filing a reply to the final Office action. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing the reply filed on October 9, 2003. Thereafter, the application will be forwarded to the examiner for appropriate.

PETITION GRANTED.

  
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